

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

NELSON R. LYNCH,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-11-158-HE
	)	
JANE STANDIFIRD, Warden,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner Nelson R. Lynch, appearing *pre se*, filed this action pursuant to 28 U.S.C. § 2254 seeking habeas relief.<sup>1</sup> The matter was referred for initial proceedings to Magistrate Judge Valerie K. Couch, who determined the petition is “second or successive” and recommended that the petition be dismissed for lack of jurisdiction.

The magistrate judge concluded the action should be dismissed, rather than transferred to the Tenth Circuit Court of Appeals, because this is petitioner’s second federal habeas action brought pursuant to § 2254 and the petition does not include allegations demonstrating that petitioner could satisfy the requirements for filing a successive petition. Petitioner filed an objection to the Report and Recommendation, essentially rearguing the merits of his claims.

The court agrees with the magistrate judge’s analysis and conclusions and adopts her Report and Recommendation. Accordingly, the petition for writ of habeas corpus is


---

<sup>1</sup>*Although petitioner submitted his petition on a § 2241 form, the magistrate judge characterized the action as one brought under 28 U.S.C. § 2254 because petitioner challenges the validity of his conviction and sentence.*

dismissed for lack of jurisdiction.

**IT IS SO ORDERED.**

Dated this 16th day of May, 2011.



---

JOE HEATON  
UNITED STATES DISTRICT JUDGE